

## **M E M O R A N D U M**

TO:           Members, Public Disclosure Commission

FROM:       Philip E. Stutzman  
              Director of Compliance

DATE:       November 21, 2001

SUBJECT:    Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated October 12, 2001. If you would like additional information, please let me know.

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## **Part I**

### **Investigations Completed**

#### **Cases Scheduled For Hearing:**

**Roach, Dan - Case #01-032; Investigator: Kurt Young**

Date Received: September 18, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.080, .090

Status: Investigation Complete

Summary: A complaint was received from Yvonne Kinoshita Ward, alleging that Dan Roach, a candidate for State Representative in the 31<sup>st</sup> Legislative District, has not timely filed reports of contributions received (PDC Form C-3). A brief enforcement hearing has been scheduled for December 6, 2001.

Disposition: Pending

**Benton, Don--Case #01-132; Investigator: Suemary Trobaugh**

Date Received: October 9, 2000

Date Started: October 17, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Daniel M. Ogden, Chair of the Clark County Democratic Central Committee, and Carrie Parks, Chair of the 17<sup>th</sup> District Legislative Democratic Committee, alleging a violation of RCW 42.17.640 and WAC 390-05-400 by Don Benton, a candidate for State Senator seeking re-election in the 17th Legislative District. The complaint alleges that Senator Benton accepted excess campaign contributions from Rowley Enterprises, Inc. and Koerick Sterling Communities, LLC. A brief enforcement hearing has been scheduled for December 6, 2001.

Disposition: Pending

**Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh**

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. A brief enforcement hearing was held on October 18<sup>th</sup>. However, rather than ruling on the case, the Presiding Officer continued the matter to the November 1<sup>st</sup> brief hearing date. On November 1, 2001, Chair Christine Yorozu, the Presiding Officer at the hearing, declined to hear additional evidence and moved the matter to be heard by the full Commission. An enforcement hearing before the full Commission will be scheduled.

Disposition: Pending

**White, James – Case #01-184; Investigator: Suemary Trobaugh**

Date Received: January 31, 2001

Date Started: February 2, 2001

Section of Law: RCW 42.17.130 and .750

Status: Investigation Complete

Summary: A complaint was received from Martin Plys alleging that Mayor James White of Kent solicited campaign contributions from City of Kent employees when he invited employees to his re-election campaign fundraiser. The complaint also alleged that Mayor White used public facilities to assist his campaign when he sent an e-mail to all city employees apologizing for having sent invitations to his fundraiser to employees. An enforcement hearing before the full Commission has been scheduled for December 4, 2001.

Disposition: Pending

**Wolfe, Cathy—Case #01-229; Investigator: Kurt Young**

Date Received: May 16, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.710

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that then-Representative Cathy Wolfe received a campaign contribution during the 2001 legislative session freeze period. A brief enforcement hearing has been scheduled for December 6, 2001.

Disposition: Pending

**Soriano, Lawrence—Case #02-263; Investigator: Suemary Trobaugh**

Date Received: November 7, 2001

Date Started: November 7, 2001

Section of Law: RCW 42.17.040, .080, .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, Executive Director of the PDC, against Lawrence Soriano, a candidate for Seattle School Board, alleging that Mr. Soriano accepted campaign contributions and made campaign expenditures in excess of the \$3,500 mini reporting limit. Mr. Soriano requested permission to change reporting options from mini reporting to full reporting within 30 days of the 2001 primary election. The request to change to the full reporting option was denied when it was discovered that Mr. Soriano had received more than \$12,000 in campaign contributions and made more than \$11,650 in campaign expenditures while under the mini reporting option. An enforcement hearing before the full Commission has been scheduled for December 4, 2001.

Disposition: Pending

## Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

**Washington State Council of Firefighters (Partial) – Case #00-893; Investigator: Lori Anderson**

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that the Washington State Council of Firefighters and Active in Democracy shared a single contribution limit for contributions made to state legislative candidates during the 1998 election cycle.

**Disposition:** A brief enforcement hearing was held on November 1, 2001. It was found that the Washington State Council of Firefighters violated RCW 42.17.640 by exceeding contribution limits during the 1998 election cycle. The Washington State Council of Firefighters was assessed a penalty of \$500. \$200 of the penalty was suspended on the condition the Respondent commits no further violations of RCW 42.17 within four years from the date the order is signed.

**Active in Democracy – Case #00-920; Investigator: Lori Anderson**

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that Active in Democracy and the Washington State Council of Firefighters shared a single contribution limit for contributions made to state legislative candidates during the 1998 election cycle.

**Disposition:** A brief enforcement hearing was held on November 1, 2001. It was found that Active in Democracy violated RCW 42.17.640 by exceeding contribution limits during the 1998 election cycle. Active in Democracy was assessed a penalty of \$300. The entire \$300 penalty was suspended on the condition the Respondent commits no further violations of RCW 42.17 within four years from the date order is signed.

**Washington Teamsters Legislative League – Case #00-923; Investigator: Lori Anderson**

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that the Washington Teamsters Legislative League (WTLL) and Teamsters Local 38 shared a single contribution limit of \$575 for the 1998 election cycle for contributions made to legislative candidates, and that the WTLL and Teamsters Local #38 exceeded the contribution limits to legislative candidates during the 1998 election cycle.

**Disposition:** A brief enforcement hearing was held on October 18, 2001. It was found that the Washington Teamsters Legislative League violated RCW 42.17.640 by exceeding contribution limits during the 1998 election cycle. The Washington Teamsters Legislative League was assessed a penalty of \$300. \$300 of the penalty was suspended on the condition the Respondent commits no further violations of RCW 42.17.640 for one year from the date the order is signed.

**Teamsters Local #38 – Case #00-924; Investigator: Lori Anderson**

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that the Washington Teamsters Legislative League (WTLL) and Teamsters Local 38 shared a single contribution limit of \$575 for the 1998 election cycle for contributions made to legislative candidates, and that the WTLL and Teamsters Local #38 exceeded the contribution limits to legislative candidates during the 1998 election cycle.

**Disposition:** A brief enforcement hearing was held on October 18, 2001. It was found that the Teamsters Local #38 violated RCW 42.17.640 by exceeding contribution limits during the 1998 election cycle. Teamsters Local #38 was assessed a penalty of \$300. \$300 of the penalty was suspended on the condition the Respondent commits no further violations of RCW 42.17.640 for one year from the date the order is signed.

**Guevara, Marta--Case #01-142; Investigator: Suemary Trobaugh**

Date Received: October 30, 2000

Date Started: November 1, 2000

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Bill Gorman alleging that Marta Guevara failed to timely file her June and July C-3 reports of contributions received, and that she failed to timely file her August C-3 and C-4 reports. The complaint also alleged that a campaign flyer sent October 25, 2000 failed to contain proper sponsor identification.

**Disposition:** A brief enforcement hearing was held October 18, 2001. It was found that Marta Guevara violated RCW 42.17.060, .080, and .090 for failing to timely file reports of contribution and expenditure activity for the 2000 election cycle. Ms. Guevara was assessed a penalty of \$150.

**Wimsett, Kevin--Case #01-145; Investigator: Suemary Trobaugh**

Date Received: October 30, 2000

Date Started: November 2, 2000

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Deanne Weber alleging that Kevin Wimsett failed to timely file C-3 and C-4 reports during his 2000 campaign.

**Disposition:** A brief enforcement hearing was held November 1, 2001. It was found that Mr. Wimsett violated RCW 42.17.080 and .090 for failing to timely file reports of contribution and expenditure activity for the 2000 election cycle.



Mr. Wimsett was assessed a penalty of \$500. \$300 of the penalty was suspended on the condition the Respondent commits no further violations of RCW 42.17.080 and .090 for four years from the date of the order.

**Tacoma School District No. 10 - Case #01-199 Investigator: Lori Anderson**

Date Received: March 23, 2001

Date Started: March 26, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Tacoma School District No. 10 failed to maintain open for public inspection, during normal business hours, copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

**Disposition:** An enforcement hearing was held before the full Commission on October 23, 2001. The parties stipulated that the Report of Investigation and Notice of Administrative Charges contained accurate statements of fact, and that based upon the stipulated facts, the Commission would likely find multiple violations of RCW 42.17.680(4). Based on this record, the Commission accepted the stipulation of facts, violations and penalty and found the Tacoma School District had committed multiple violations of RCW 42.17.680(4). The Commission assessed a civil penalty of \$1,000.00, with \$500.00 suspended on the condition that the Respondent commits no further violations of RCW 42.17 for four years from the date of the order.

**Amalgamated Transit Union Local 757—Case #01-220; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 757 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

**Disposition:** A brief enforcement hearing was held November 1, 2001. The case was dismissed, and no violation was found since Amalgamated Transit Union

Local 757 filed a C-5 report disclosing contributions made to oppose a statewide initiative in September of 2000.

**Amalgamated Transit Union Local 758—Case #01-221; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 758 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

**Disposition:** A brief enforcement hearing was held November 1, 2001. It was found that Amalgamated Transit Union Local 758 (ATU Local 758) violated RCW 42.17.180 by failing to timely file the C-7 report disclosing contributions made during the 2000 election cycle. Assessment of a penalty was deferred for a period of four years. If the Respondent is found in violation of RCW 42.17 during the four years following the date of the order, the matter will be returned to a brief enforcement hearing for assessment of a penalty. If the Respondent is not found in violation of RCW 42.17 during the four years following the date of the order, the case will not be returned to a brief enforcement hearing and there will be no assessed penalty.

**Amalgamated Transit Union Local 1384—Case #01-223; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 1384 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

**Disposition:** A brief enforcement hearing was held on November 1, 2001. It was found that Amalgamated Transit Union Local 1384 (ATU Local 1384) violated RCW 42.17.180 by failing to timely file the C-7 report disclosing contributions made during the 2000 election cycle. Assessment of a penalty was deferred for a period of four years. If the Respondent is found in violation of RCW 42.17 during the four years following the date of the order, the matter will be returned to a brief enforcement hearing for assessment of a penalty. If the Respondent is not found

in violation of RCW 42.17 during the four years following the date of the order, the case will not be returned to a brief enforcement hearing and there will be no assessed penalty.

The following cases were previously referred to the Attorney General's Office as a result of enforcement hearings before the full Commission. These cases have now been resolved by the Attorney General's Office:

**King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-203**

**Investigator: Nick Hawkinson**

Date Received: March 28, 2001

Date Started: April 3, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

**Summary:** A complaint was received from Monte Benham of Permanent Offense alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 (ATU 587) had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations.

**Disposition:** An enforcement hearing was held on May 22, 2001. The Commission accepted the parties' Stipulation of Facts. The Commission found that there are apparent multiple violations by the King County entities of RCW 42.17, in particular RCW 42.17.680 as implemented by WAC 390-17-100, but that the maximum penalty that can be assessed by the Commission is inadequate in light of the allegations and the stipulated evidence presented to the Commission at the hearing. Therefore, the Commission referred the case to the Washington State Attorney General's Office. The Commission also found that Amalgamated Transit Union Local 587 did not violate RCW 42.17.680 as alleged because the union is not the employer in this case and is not responsible for the disbursement of funds in payment of wages or salaries to King County workers.

**Settlement:** An agreement was entered into between the State of Washington, the Attorney General's Office, the PDC, King County, King County Department of Transportation, and King County Transit (hereinafter "King County") on October 23, 2001. In the agreement, King County admitted to multiple violations of RCW 42.17.680(3) for withholding a special assessment from its employees' paychecks to make expenditures opposing Initiative 745 in response to a request from ATU Local 587. King County accepted the assessment of a total civil penalty of

\$20,000, a portion of which will be deferred based on the following: 1) no further violations of any provision of RCW 42.17 or WAC 390 for a period of four years from the execution of the agreement; 2) that King County adopt and implement by executive order, a protocol for communicating with union leadership regarding any future special assessments; 3) that within six months of this agreement or prior to the next special assessment, King County will conduct training for all King County human resources, labor relations and payroll staff implementing the protocol; 4) that King County distribute the final adopted executive order and training materials to other local governments through a number of associations and meetings. Of the \$20,000 penalty, \$10,000 is deferred based upon completion of the above listed conditions. An additional \$1,250 each will be deferred on the condition that King County presents the executive order and training materials as an agenda item at a state-wide meeting of the Washington State Association of Counties (WSAC) and the Washington Association of County Officials (WACO). If King County complies with all of the conditions, a total non-deferred penalty of \$7,500 must be paid within 60 days of signing of the agreement.

**King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-204**

**Investigator: Nick Hawkinson**

Date Received: March 29, 2001

Date Started: April 5, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from David Cornelson alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations.

**Disposition:** An enforcement hearing was held May 22, 2001. The Commission accepted the parties' Stipulation of Facts. The Commission found that there are apparent multiple violations by the King County entities of RCW 42.17, in particular RCW 42.17.680 as implemented by WAC 390-17-100, but that the maximum penalty that can be assessed by the Commission is inadequate in light of the allegations and the stipulated evidence presented to the Commission at the hearing. Therefore, the Commission referred the case to the Washington State Attorney General's Office. The Commission also found that Amalgamated Transit Union Local 587 did not violate RCW 42.17.680 as alleged because the

union is not the employer in this case and is not responsible for the disbursement of funds in payment of wages or salaries to King County workers.

**Settlement:** An agreement was entered into between the State of Washington, the Attorney General's Office, the PDC, King County, King County Department of Transportation, and King County Transit (hereinafter "King County") on October 23, 2001. In the agreement, King County admitted to multiple violations of RCW 42.17.680(3) for withholding a special assessment from its employees' paychecks to make expenditures opposing Initiative 745 in response to a request from ATU Local 587. King County accepted the assessment of a total civil penalty of \$20,000, a portion of which will be deferred based on the following: 1) no further violations of any provision of RCW 42.17 or WAC 390 for a period of four years from the execution of the agreement; 2) that King County adopt and implement by executive order, a protocol for communicating with union leadership regarding any future special assessments; 3) that within six months of this agreement or prior to the next special assessment, King County will conduct training for all King County human resources, labor relations and payroll staff implementing the protocol; 4) that King County distribute the final adopted executive order and training materials to other local governments through a number of associations and meetings. Of the \$20,000 penalty, \$10,000 is deferred based upon completion of the above listed conditions. An additional \$1,250 each will be deferred on the condition that King County presents the executive order and training materials as an agenda item at a state-wide meeting of the Washington State Association of Counties (WSAC) and the Washington Association of County Officials (WACO). If King County complies with all of the conditions, a total non-deferred penalty of \$7,500 must be paid within 60 days of signing of the agreement.

The following cases were dismissed with the concurrence of the Chair:

**Highline School District - Case #01-034; Investigator: Kurt Young**

Date Received: July 11, 2000

Date Started: September 29, 2000

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: Complaints were received from Paul Willoughby and Joseph Coomer, alleging that officials of the Highline School District have used public facilities to support a ballot proposition, by sending out a promotional survey and by hiring a consultant to support passage of the ballot measure.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Highline School District retained the services of Community Connection, a public

affairs and political consulting firm, to organize and facilitate community forums, to provide information to the public, and to seek public input about the Highline School District's capital facilities needs. The contract with Community Connection indicated that the work was completed by June 24, 2000, almost three months prior to the September 19<sup>th</sup> bond measure. The work included production of a questionnaire and other information provided to the public, tallying the responses to the questionnaire, and reporting the results to the Highline School Board. The three community forums were conducted by the Highline School District and were run by district employees or officials, and opponents of the construction projects and other citizens were allowed to speak at these forums.

**Northshore School District--Case #01-166 Investigator: Lori Anderson**

Date Received: November 8, 2000

Date Started: November 14, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Sandra Elliot alleging that officials of the Northshore School District used public facilities to promote a political campaign. Ms. Elliot alleged that Inglemoor High School allowed Maria Cantwell and U.S. Senator Tom Daschle to address a student assembly. She further alleged that the presentation by Cantwell and Daschle was in support of the Cantwell candidacy, and that this occurred with the knowledge of the School District.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the assembly in question was part of the regularly scheduled curriculum of Inglemoor High School, and that it was part of the normal and regular conduct for the assembly planners to invite a keynote speaker who holds elective office. The keynote speaker typically is not a candidate on the ballot when invited, and in this instance Senator Patty Murray had agreed to be the speaker but had to cancel a few days before the assembly. Ms. Cantwell agreed to speak in place of Senator Murray. We found no evidence the officials of the Northshore School District authorized the use of public facilities to assist the campaigns of Ms. Cantwell or of other candidates.

**Ruiter, David (not given investigative case number) Staff: Suemary Trobaugh**

Date Received: September 21, 2001

Date Started: September 25, 2001

Section of law: RCW 42.17.530

**Summary:** A complaint was received from Michael J. West alleging that David Ruiter, a candidate for Val Vue Sewer Commissioner, sponsored political advertising in the form of yard signs that failed to clearly state he was not the incumbent.

**Disposition:** Dismissed with the concurrence of the Chair. It was found after reviewing the publication that there was no reason to believe a material violation of Chapter 42.17 RCW had occurred since Mr. West corrected the yard signs in a timely manner to clearly indicate that he was seeking the office of sewer Commissioner.

**Faherty, Terry (not given investigative case number) Staff: Suemary Trobaugh**

Date Received: October 25, 2001

Date Started: October 25, 2001

Section of law: RCW 42.17.510

**Summary:** A complaint was received from Michael Deckert alleging that a banner supporting local candidates failed to contain proper sponsor identification as required for political advertising.

**Disposition:** Dismissed with the concurrence of the Chair. It was found after reviewing the banner that there was no reason to believe a material violation of Chapter 42.17 RCW had occurred since the candidates corrected the banner to include the proper sponsor identification in a timely manner.

## **Cases Referred To Attorney General For Further Action**

**Cooney, Sadie Charlene--Case #99-053; Investigator: Charlie Schreck**

Date Received: October 22, 1998

Date Started: October 23, 1998

Section of Law: RCW 42.17.130 and .680

Status: Investigation Complete

**Summary:** A complaint was received from Lynda Rouse, alleging that Sadie Charlene Cooney has used public facilities for campaign activities. The complainant alleged that for several years Ms. Cooney has directed employees to work on political campaigns using resources of the County Assessor's office. The complainant also alleged that Ms. Cooney has created a hostile work environment, and has discriminated against employees in violation of RCW 42.17.680. An enforcement hearing was held December 12, 2000.

**Disposition:** The Commission accepted a Stipulation of Facts and Violations and found actual violations of RCW 42.17.130 and 42.17.750. The parties agreed for the purposes of determining whether the Commission would refer the matter to the

Attorney General's Office that the written information and documentary evidence before the Commission as of December 12, 2000 could serve as the basis for the Commission finding that the Respondent committed apparent violations of RCW 42.17.130 and 42.17.680(2) for the matters in the Notice of Administrative Charges that had not been stipulated to by the parties. The parties also agreed that the facts and violations stipulated to are evidence of agreed-to actual violations of RCW 42.17.130 and RCW 42.17.750, and that those stipulated matters are also appropriate for referral to the Attorney General's Office. It was agreed that if the Attorney General's Office declines to file a complaint in Superior Court based upon the apparent and actual violations referenced in the referral or does not enter into a settlement for all the apparent and actual violations referenced in the referral, the case is to be returned to the Public Disclosure Commission for hearing under 42.17 RCW and Commission regulations. Based on the above information, the Commission referred the matter to the Attorney General's Office. The Commission found that a referral was appropriate because: (1) The maximum penalty that the Commission could impose statutorily was insufficient in light of the number of actual and apparent violations, and (2) The complexity of the issues and facts presented merits consideration by the Attorney General's Office and a superior court. The Commission also found that if no action is taken by the Attorney General's Office as described in the Order of Referral, the matter is to be returned to the Commission for hearing.

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

**Disposition:** The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

**Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000



Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General's Office.

## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Washington Victory Fund—Case #02-179; Investigator: Kurt Young**

Date Received: September 6, 2001

Date Started: September 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was received from Robert Edelman alleging that the Washington Victory Fund failed to register and report as a joint fundraising committee with the PDC. The Washington Victory Fund registered with the

Federal Election Commission, and reported contributions and expenditures as part of a joint fundraising committee involving the Washington State Democratic Central Committee, the Gary Locke for Governor Campaign, and the Jay Inslee for Congress Campaign. The three participants reported their proportional receipts and expenditures on their respective PDC and FEC reports.  
Disposition: Pending

**Henry, Marion—Case #02-180; Investigator: Lori Anderson**

Date Received: September 11, 2001

Date Started: September 17, 2001

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Kay Lasco alleging that Marion Henry, a candidate for the Sea-Tac City Council, listed an endorsement from the Sea-Tac Firefighters on a political advertisement sponsored by her campaign when no endorsement had been received from that entity.

Disposition: Pending

**Mester, William (Mead School District)—Case #02-181; Investigator: Lori Anderson**

Date Received: September 17, 2001

Date Started: October 1, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from LeeAnn Hancock alleging that the Mead School District used public facilities to support a candidate for the Mead School Board.

Disposition: Pending

**Brotherton, Tom—Case #02-257; Investigator: Suemary Trobaugh**

Date Received: October 18, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Mark Zimmerman alleging that Tom Brotherton, a candidate for Kent City Council, sponsored political advertising that contained a false statement of material fact about Mr. Brotherton's opponent, Bruce White.

Disposition: Pending

**Jackley, Brock—Case #02-258; Investigator: Lori Anderson**

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Robert Edelman alleging that when the Inlandboatman's Union PAC, a federal PAC, failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle, Brock Jackley, a state legislative candidate during the 2000 election cycle, and a recipient of a contribution from the Inlandboatman's Union PAC, failed to forfeit the contribution as required by statute. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Pending

**Morris, Jeffrey—Case #02-259; Investigator: Lori Anderson**

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Robert Edelman alleging that when the Inlandboatman's Union PAC, a federal PAC, failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle, Jeffrey Morris, a state legislative candidate during the 2000 election cycle, and a recipient of a contribution from the Inlandboatman's Union PAC, failed to forfeit the contribution as required by statute. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Pending

**Snohomish County Democratic Central Committee—Case #02-258; Investigator: Lori Anderson**

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Robert Edelman alleging that when the Inlandboatman's Union PAC, a federal PAC, failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle, the Snohomish County Democratic Central Committee, a recipient of a contribution from the

Inlandboatman's Union PAC, failed to forfeit the contribution as required by statute. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Pending

**Guite, Jerry—Case #02-261; Investigator: Suemary Trobaugh**

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.100 and .510

Status: Under Investigation

Summary: A complaint was received from Ronald Clark alleging the Jerry Guite sponsored political advertising supporting four candidates for Des Moines City Council that failed to contain complete sponsor identification information. In addition, it was alleged that the cost of the advertisement was not reported as an independent expenditure. The political advertisement was included on the back of a flyer for AAA Liquidating, a business owned and operated by Mr. Guite.

Disposition: Pending

**Benjamin, Richard—Case #02-262; Investigator:**

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Ronald Clark alleging that Richard Benjamin, a candidate for Des Moines City Council, failed to timely file reports of contribution and expenditure activity for the 2001 election as required for a candidate under the full reporting option.

Disposition: Pending

**Tuma, Bernardo—Case #02-264; Investigator: Lori Anderson**

Date Received: October 25, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was filed by Kevin Phelps against Bernardo Tuma, a candidate for Tacoma City Council, alleging Mr. Tuma failed to timely file a Candidate Registration Statement (PDC Form C-1) and reports of contribution and expenditure activity (PDC Forms C-3 and C-4).

Disposition: Pending

**Spies, Garrett—Case #02-265; Investigator: Kurt Young**

Date Received: October 29, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Mardee Patton against Garrett Spies, a candidate for Fife City Council, alleging that Mr. Spies sponsored political advertising that contained a false statement of material fact about Ms. Patton, his opponent.

Disposition: Pending

**Marshall, Connie—Case #02-266; Investigator: Kurt Young**

Date Received: October 30, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.125

Status: Under Investigation

Summary: A complaint was filed by Janice Benson against Connie Marshall, a candidate for Bellevue City Council, alleging that Ms. Marshall used campaign funds to purchase political advertising that supported or opposed two ballot propositions on the 2001 general election ballot.

Disposition: Pending

**Dyer, Karla—Case #02-267; Investigator: Suemary Trobaugh**

Date Received: November 5, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.080, and .090

Status: Under Investigation

Summary: A complaint was filed by Earl VanDorien against Karla Dyer, a candidate for Federal Way School Board, alleging that Ms. Dyer failed to make her campaign books and records available for public inspection during the eight day period before the General election, and that Ms. Dyer exceeded the mini reporting limits of \$3,500 in campaign funds raised or spent.

Disposition: Pending

**Locke, Sydney—Case #02-268; Investigator: Lori Anderson**

Date Received: November 14, 2001

Date Started: November 15, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Gary S. Grayson against Sydney Locke, a candidate for Edmonds City Council, alleging Sydney Locke failed to timely file reports of contribution and expenditure activity undertaken by the Locke campaign (PDC Forms C-3 and C-4).

Disposition: Pending

## **Cases Under Review**

### **Stevens Hospital Medical Staff--Case #98-017; Investigator: Phil Stutzman**

Date Received: September 8, 1997

Date Started: September 23, 1997

Section of Law: RCW 42.17.040, .065, .080, .090, and .750

Status: Under Review

Summary: A complaint was received from a member of the Stevens Hospital Medical Staff, expressing concern about mandatory donations to the medical staff association. The complaint said the association spends a significant portion of its funds on ballot propositions affecting the Stevens Hospital District. At issue is whether the Stevens Hospital Medical Staff is a political committee, required to register and report with the Public Disclosure Commission.

Disposition: Pending

### **Simpson, Geoff--Case #01-133: Investigator - Suemary Trobaugh**

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Senator Don Benton alleging that Mr. Simpson had used publicly owned Kent Fire Department equipment in his campaign advertising. Specifically, Senator Benton alleged that Mr. Simpson's campaign ads included photos of Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the Kent Fire Department.

Disposition: Pending

### **CHS Engineers, Inc.--Case #01-167 Investigator: Suemary Trobaugh**

Date Received: November 27, 2000

Date Started: December 1, 2000

Section of law: RCW 42.17.120

Status: Under Review

Summary: A complaint was received from Michael J. West, a commissioner in the Val Vue Sewer District in South Seattle. Mr. West alleged that CHS Engineers, Inc. has made campaign contributions to candidates for Sewer District Commissioner, in various sewer districts, in a manner that conceals the true source of the contributions, in violation of RCW 42.17.120.

Disposition: Pending

**Opp, Dena--Case #01-168 Investigator: Suemary Trobaugh**

Date Received: December 1, 2000

Date Started: December 6, 2000

Section of law: RCW 42.17.241

Status: Under Review

Summary: A complaint was received from Carol Cherry, alleging that Dena Opp, Mayor of Newport, Washington, has failed to properly list, on her Personal Financial Affairs Statement, the disposition of real property that occurred during 1998, and that she has not disclosed the income received by her spouse, in violation of RCW 42.17.241.

Disposition: Pending

**Evergreen School District – Case #01-182; Investigator: Lori Anderson**

Date Received: January 10, 2001

Date Started: January 19, 2001

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Senator Don Benton, 17th Legislative Dist., alleging that the Directors of the Evergreen School District used public facilities to dispute statements made in political advertisements circulated by Benton during his 2000 re-election campaign.

Disposition: Pending

**No on Initiative 695 Committee – Case #01-183; Investigator: Suemary Trobaugh**

Date Received: January 22, 2001

Date Started: January 24, 2001

Section of Law: RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the No on Initiative 695 Committee has failed to forfeit funds to the State of Washington it received from the International Brotherhood of

Teamsters (IBT) DRIVE Political Fund as required by RCW 42.17.090 and WAC 390-16-055.

Disposition: Pending

**King County Fire District 40 – Case #01-186; Investigator: Kurt Young**

Date Received: February 5, 2001

Date Started: February 9, 2001

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Howard Meinzer alleging that officials of King County Fire District 40 used public facilities to support a fire district ballot proposition, in violation of RCW 42.17.130. The complaint alleged that the District Newsletter, Fireline, misrepresented benefit service charge information in a way that supported passage of the District's ballot proposition.

Disposition: Pending

**Concerned Citizens Action Committee – Case #01-187; Investigator: Suemary Trobaugh**

Date Received: February 9, 2001

Date Started: February 16, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Review

Summary: A complaint was received from Rodney Livengood, Superintendent of Kittitas County Hospital District #2, alleging that Concerned Citizens Action Committee, a group opposed to a February 6, 2001 Hospital District ballot proposition, has not registered or reported its activities to the PDC.

Disposition: Pending

**International Association of Fire Fighters—Case #01-188; Investigator: Kurt Young**

Date Received: February 12, 2001

Date Started: March 2, 2001

Section of Law: RCW 42.17.640 and .660

Status: Under Review

Summary: A complaint was received from Bob Edelman alleging that the State Council of the International Association of Fire Fighters (IAFF) and certain of its affiliated local units violated the candidate contribution limits of RCW 42.17.640 for the 2000 election cycle. He also alleged that the candidates that accepted the



over-limit contributions violated RCW 42.17.640, 42.17.660, and WAC 390-16-308(5).

Disposition: Pending

**Kingston Area Citizens Network--Case #01-197; Investigator: Suemary Trobaugh**

Date Received: March 12, 2001

Date Started: March 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Review

Summary: A complaint was received from Nick Jewett alleging that the Kingston Area Citizens Network placed political advertising in the North Kitsap Herald newspaper opposing a school bond issue without first registering and reporting as a political committee.

Disposition: Pending

**Yakima County Fire District #12 (West Valley Fire Department)-- Case #01-198; Investigator: Suemary Trobaugh**

Date Received: March 12, 2001

Date Started: March 16, 2001

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Gary and Carolyn Belles alleging that officials of Yakima County Fire District 12 (West Valley Fire District) have used public facilities of the fire district to support an incorporation effort by citizens of West Valley.

Disposition: Pending

**Amalgamated Transit Union Local 843—Case #01-222; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 843 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Amalgamated Transit Union Local 1576—Case #01-224; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 1576 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Iron Workers District Council of the Pacific Northwest—Case #01-225;**

**Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Iron Workers District Council of the Pacific Northwest failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Washington State Building & Construction Trades Council—Case #01-226;**

**Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington State Building & Construction Trades Council failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**United Transportation Union—Case #01-227; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that United Transportation Union failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Pending

**Washington Federation of Teachers—Case #01-228; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington Federation of Teachers failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Pending

**Unions and Candidates** – On May 5, 2000, Jami Lund of the Evergreen Freedom Foundation filed 65 complaints against several unions and state office candidates for making or accepting contributions that: (1) were in excess of the limits allowed by RCW 42.17.640; (2) were not reported on PDC form C-7 as required by RCW 42.17.180 and WAC 390-16-071; (3) were not reported on PDC form C-5 as required by RCW 42.17.090; (4) were not forfeited to the state general fund in accordance with RCW 42.17.090 and WAC 390-16-095; (5) were unqualified contributions as set forth in RCW 42.17.640 and WAC 390-16-311; (6) were accepted in excess of the limit allowed as required by RCW 42.17.640 or were not allowed under RCW 42.17.660. The 65 cases were assigned case numbers 00-890 through 00-954. Brief enforcement hearings were held September 25, 2000 for 11 of the 65 cases and on January 22, 2001 for one case. On February 27, 2001, 28 cases were approved for dismissal. A brief enforcement hearing was held for Case #00-935 on May 21, 2001. Fourteen cases were dismissed between August 17 and September 14, 2001, and three additional cases were dismissed between September 15 and October 11, 2001. Two cases were heard as part of brief enforcement hearings held October 18, 2001 and two cases were heard as part of brief enforcement hearings held November 1, 2001. The Status of the remaining 3 cases is “Under Review.”